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E-filed 11/16/05

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 NORTHERN CALIFORNIA-NORTHERN
NEVADA SOUND AND COMMUNICATIONS
11 EMPLOYEE BENEFIT TRUST FUNDS;
DOUG LUNG AND BOB TRAGNI AS
12 TRUSTEES OF THE NORTHERN
CALIFORNIA-NORTHERN NEVADA
13 SOUND AND COMMUNICATIONS
DISTRICT NO. 9 HEALTH AND WELFARE
14 TRUST FUND,

CASE NO.: C05 01360 JF RS

REQUEST FOR
DISMISSAL OF
ENTIRE ACTION

15 Plaintiffs,

16 vs.

17 ENGLEHART ELECTRIC COMPANY,
INC., a California Corporation,


18 Defendant.
19

20 Comes now the Plaintiffs NORTHERN CALIFORNIA-NORTHERN NEVADA
21 SOUND AND COMMUNICATIONS EMPLOYEE BENEFIT TRUST FUNDS; DOUG
22 LUNG AND BOB TRAGNI AS TRUSTEES OF THE NORTHERN CALIFORNIA-
23 NORTHERN NEVADA SOUND AND COMMUNICATIONS DISTRICT NO. 9 HEALTH
24 AND WELFARE TRUST FUND in the above-entitled action and hereby dismiss the entire
25 action without prejudice as to every party.

26 No answer has been filed in this matter. The defendant has paid all monies requested in
27 the complaint for January and February 2005, and reduced liquidated damages. This dismissal
28 specifically does not waive the right of the Trust Funds to audit the employer for the above time

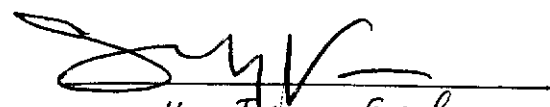
1 period, or any other time period, and to collect any additional monies found to be delinquent as
2 a result of an audit through a subsequent legal action.

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4 Dated: November 8, 2005


SUE CAMPBELL
Attorney for Plaintiffs

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13 It is so ordered.

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15 DATED: 11-16-05


Hon. Jeremy Fogel
U.S. District Judge

PROOF OF SERVICE BY MAIL

I, the undersigned, say:

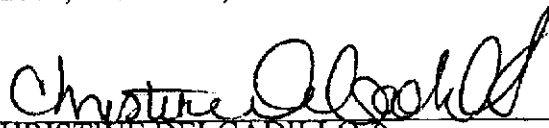
That I am now and at all times herein mentioned a citizen of the United States, over the age of eighteen years, a resident of Santa Clara County, California, and not a party to the within action or cause; that my business address is 1155 North First Street, Suite 101, San Jose, California; that I served a copy of the attached REQUEST FOR DISMISSAL OF ENTIRE ACTION by placing said copy in an envelope addressed to

ENGLEHART ELECTRIC COMPANY, INC.,
a California Corporation
1313 Laurel Street, Suite 114
San Carlos, CA 94070

which envelope was then sealed and, with postage fully prepaid thereon, was on November ____, 2005, deposited in the United States mail at San Jose, California; that there is delivery service by United States mail at the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 9, 2005, at San Jose, California.


CHRISTINE DELGADILLO